

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

JAHMAZEO RICHARDSON,

Plaintiff,

v.

Case No.: 2:18-cv-2336

UNITED STATES OF AMERICA

Defendant.

COMPLAINT FOR DAMAGES

COMES NOW Plaintiff Jahmazeo Richardson (hereinafter referred to as "Plaintiff"), by and through undersigned counsel, and files this Complaint for Damages against Defendant United States of America (hereinafter referred to as the "Government" or "Defendant") pursuant to the Federal Tort Claims Act. In support of his cause, Plaintiff would show unto the Court as follows:

PARTIES

1. Plaintiff Jahmazeo Richardson is an adult citizen of Memphis, Shelby County, Tennessee.

2. Defendant United States of America is sued for injuries caused to Plaintiff by the negligent and wrongful acts or omission of its employee.

3. At all relevant times, Defendant's employee was acting within the scope of his office or employment under circumstances where the United States, if a private person, would be liable to Plaintiff in accordance with the laws of the State of Tennessee.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over this action pursuant to the Federal Tort Claims Act (“FTCA”) and 28 U.S.C. §§ 1346 & 2671-80.

5. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(2) because the events giving rise to Plaintiff’s claims all transpired in Memphis, Shelby County, Tennessee.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

6. This action is brought by Plaintiff against the United States of America pursuant to the Federal Tort Claims Act.

7. On March 1, 2016, counsel for Plaintiff presented Plaintiff’s claims to the United States of America for adjudication by submitting Form 95-109, Claim(s) for Damage, Injury, or Death.

8. On April 29, 2016, Plaintiff amended Form 95-109.

9. On November 30, 2017, the United States Department of Justice mailed a response to Plaintiff’s Form 95-109 Claim(s) for Damage for Damage, Injury, or Death that served as a final denial by the United States (“Final Denial Letter”).

10. This Complaint is filed within six (6) months after the date of the mailing of the Final Denial Letter.

11. Plaintiff has properly exhausted the administrative processes, and his damage claim is properly before this Court.

FACTUAL ALLEGATIONS

12. Plaintiff incorporates all foregoing paragraphs herein as if restated again in full.

13. On April 1, 2015, Plaintiff was employed by Coca Cola and worked between the hours of 3:00 p.m. and 9:00 p.m.

14. On April 1, 2015, at or around 9:00 p.m. Plaintiff was driving home from work on Hollywood St. in Memphis, Shelby County, Tennessee.

15. After driving through the intersection of Hollywood St. and Central Ave., Plaintiff's car was suddenly and unexpectantly surrounded by a task force of United States Marshals accompanied by Memphis Police officers and/or Shelby County Sherriff's deputies.

16. The pretext basis for the stop was the false allegation that Plaintiff had violated a City Ordinance - running a red light.

17. Plaintiff stopped his vehicle as he was instructed to do by the law enforcement officers.

18. After Plaintiff stopped his vehicle, he remained in his vehicle in the driver's seat.

19. After Plaintiff stopped his vehicle, approximately five (5) law enforcement vehicles surrounded Plaintiff's car.

20. After Plaintiff stopped his vehicle, approximately seven (7) law enforcement officers exited their vehicles and surrounded Plaintiff's car.

21. Officer Blair of the Memphis Police Department approached Plaintiff's driver's side door and requested that Plaintiff produce and show him his driver's license and vehicle registration.

22. Plaintiff notified Officer Blair that the vehicle registration document was located in the vehicle's glove box.

23. Plaintiff asked Officer Blair on more than one (1) occasion for permission to reach into the vehicle's glove box to retrieve the vehicle's registration.

24. Officer Blair gave Plaintiff permission to reach into the vehicle's glove box to retrieve the vehicle's registration.

25. As Plaintiff reached toward the glove box, with Officer Blair's permission to retrieve the vehicle's registration, a United States Marshal (hereinafter referred to as the "Tortfeasor") aimed his gun at the Plaintiff and fired at the Plaintiff through the passenger-side window.

26. At all times relevant hereto, Plaintiff was not in possession of a weapon.

27. When Tortfeasor fired his weapon at Plaintiff, Plaintiff was not a fleeing suspect.

28. When Tortfeasor fired his weapon at Plaintiff, Plaintiff did not pose a significant threat of serious bodily injury or death to the law enforcement officers.

29. When Tortfeasor fired his weapon at Plaintiff, Plaintiff did not pose a significant threat of serious bodily injury or death to another person.

30. When Tortfeasor fired his weapon at Plaintiff, the threat of serious bodily injury or death to the law enforcement officers and other persons was nonexistent.

31. When Tortfeasor fired his weapon at Plaintiff, Tortfeasor did not have probable cause to believe Plaintiff posed a significant threat of serious bodily injury or death to the law enforcement officers or other persons.

32. When Tortfeasor fired his weapon at Plaintiff, Tortfeasor did not have probable cause to believe Plaintiff committed a felony involving the infliction or threatened infliction of serious bodily injury.

33. The Tortfeasor intended to use deadly force against the Plaintiff.

34. The deadly force the Tortfeasor used against the Plaintiff was intended to kill him or to do grievous bodily injury.

35. The bullet shot by Tortfeasor narrowly missed striking Plaintiff's body.

36. The bullet shot by the Tortfeasor caused extensive damage to Plaintiff's vehicle.

37. After being shot at by the Tortfeasor, Plaintiff was detained for over two (2) hours before the law enforcement officers allowed him to leave.

38. After being shot at by the Tortfeasor and being detained for over two (2) hours, Plaintiff was given a citation for running a red light and driving without proof of insurance.

39. As a result of Tortfeasor's acts and/or omissions, Plaintiff had a panic attack at the scene of the accident.

40. As a result of Tortfeasor's acts and/or omissions, Plaintiff was required to seek medical attention for the emotional injuries he suffered.

41. As a result of Tortfeasor's acts and/or omissions, medical professionals have diagnosed Plaintiff as suffering from Post-Traumatic Stress Disorder ("PTSD").

42. As a result of Tortfeasor's acts and/or omissions, Plaintiff suffers from anxiety, difficulty sleeping, and recurring flashbacks to the events of the traffic stop.

CAUSES OF ACTION

COUNT I: NEGLIGENCE

43. Plaintiff incorporates all foregoing paragraphs herein as if restated again in full.

44. Plaintiff brings this action against Defendant to recover damages resulting from the Defendant's negligent acts, by and through its employee, alleged herein.

45. At all times relevant hereto, Tortfeasor was employed by the United States Marshals Service.

46. Pursuant to 28 U.S.C. § 561, the United States Marshals Service is a federal law enforcement agency within the United States Department of Justice.

47. The United States Marshals Service is empowered by law to execute searches, to seize evidence, and/or make arrests.

48. The United States Department of Justice is a federal executive department of the United States Government.

49. Pursuant to 28 U.S.C. § 2671, employee of the government includes officers or employees of any federal agency.

50. At all times relevant hereto, Tortfeasor was a federal employee acting within the course and scope of his federal employment.

51. At all times relevant hereto, Defendant was the employer of Tortfeasor.

52. At all times relevant hereto, Defendant is vicariously liable for the acts or omissions of Tortfeasor.

53. At all times relevant hereto, Defendant owed Plaintiff a duty to exercise reasonable care.

54. At all times relevant hereto, Defendant owed Plaintiff a duty to ensure that its employees performed their job with reasonable care.

55. Defendant, by and through its employee, breached the duties owed to Plaintiff by brandishing a firearm when Plaintiff presented no threat of serious bodily harm or death to the law enforcement officers or any other person.

56. Defendant, by and through its employee, breached the duties owed to Plaintiff by using deadly force when Plaintiff presented no threat of serious bodily harm or death to the law enforcement officers or any other person.

57. Defendant, by and through its employee, breached the duties owed to Plaintiff by brandishing a firearm when Tortfeasor did not have probable cause to believe Plaintiff posed a threat of harm to the law enforcement officers or any other person.

58. Defendant, by and through its employee, breached the duties owed to Plaintiff by using deadly force when Tortfeasor did not have probable cause to believe Plaintiff posed a threat of harm to the law enforcement officers or any other person.

59. Defendant, by and through its employee, breached the duties owed to Plaintiff by brandishing a firearm when Tortfeasor did not have probable cause to believe Plaintiff committed a felony involving the infliction or threatened infliction of serious bodily injury.

60. Defendant, by and through its employee, breached the duties owed to Plaintiff by using deadly force when Tortfeasor did not have probable cause to believe

Plaintiff committed a felony involving the infliction or threatened infliction of serious bodily injury.

61. Defendant, by and through its employee, breached the duties owed to Plaintiff by endangering Plaintiff's person and property when Tortfeasor discharged his firearm into Plaintiff's vehicle.

62. As a direct and proximate cause of Defendant's acts and/or omissions, by and through its employee, Plaintiff suffers severe emotional distress that includes: PTSD, anxiety, difficulty sleeping, and recurring flashbacks to the events of the traffic stop.

63. As a direct and proximate cause of Defendant's acts and/or omissions, by and through its employee, Plaintiff incurred medical expenses and damage to his vehicle.

64. All of the injuries and damages complained of herein were foreseeable and proximately resulted from the negligence of Defendant, by and through its employee.

COUNT II: NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

65. Plaintiff incorporates all foregoing paragraphs herein as if restated again in full.

66. Defendant had a duty to protect Plaintiff from the specific type of harm alleged herein.

67. Defendant, by and through its employee, failed to use reasonable care and breached duties to Plaintiff.

68. As a result of Defendant's acts and/or omissions, by and through its employee, Plaintiff suffers from anxiety, difficulty sleeping, and recurring flashbacks to the events of the traffic stop.

69. As a result of Defendant's acts and/or omissions, by and through its employee, Plaintiff has been diagnosed with PTSD.

70. As a result of Defendant's acts and/or omissions, by and through its employee, Plaintiff is medically required to attend therapy and intensive outpatient programs to treat his injuries.

71. All injuries and damages complained of herein were foreseeable and proximately resulted from the acts and/or omissions of Defendant, by and through its employee.

AD DAMNUM

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays for judgment against Defendant and prays as follows:

1. That a copy of the Complaint be served upon the Defendant and that it be required to answer as provided by law;
2. That the Court find that Defendant was negligent in causing the damage complained of herein;
3. That the Court enter a judgment against the Defendant and in favor of the Plaintiff for \$101,456.09; and
4. For all such other relief as the Court deems just and proper.

Respectfully Submitted,

By: /s/ Robert L. J. Spence, Jr.
ROBERT L. J. SPENCE, JR. (BPR #12256)
JERRICK D. MURRELL (BPR #34368)
The Spence Law Firm, PLLC
80 Monroe Ave.
Garden Suite One
Memphis, Tennessee 38103
Telephone: 901.312.9160
Facsimile: 901.521.9550
rspence@spence-lawfirm.com
jmurrell@spence-lawfirm.com

Attorneys for the Plaintiff

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Jahmazeo Richardson

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Robert L. J. Spence, Jr.
The Spence Law Firm, PLLC
80 Monroe Avenue, Garden Suite One, Memphis, TN 38103
9013129160

DEFENDANTS

United States of America

County of Residence of First Listed Defendant Shelby
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
		LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
		IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Federal Tort Claims Act, 28 U.S.C. 2674

Brief description of cause:

Action for personal injuries pursuant to Federal Tort Claims Act

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER 18-2336

DATE

05/16/2018

SIGNATURE OF ATTORNEY OF RECORD

s/ Robert L. J. Spence, Jr.

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:


- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Tennessee 

JAHMAZEO RICHARDSON

Plaintiff(s)

v.

UNITED STATES OF AMERICA

Defendant(s)

Civil Action No. 2:18-cv-2336

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* United States of America
c/o United States Attorney for the Western District of Tennessee
167 N. Main Street, Suite 800
Memphis, TN 38103

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Robert L. J. Spence, Jr.
The Spence Law Firm, PLLC
80 Monroe Avenue, Garden Suite one
Memphis, TN 38103

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. 2:18-cv-2336

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: